

REMARKS

Claims 160-162 were rejected, while claims 143-159 were withdrawn from further consideration. Claim 160 has been amended herein to recite that the vector comprises a weak promoter sequence operably linked to the target nucleic acid and the reporter nucleic acid. Applicants' specification fully supports this amendment. For example, at page 39, lines 20-22, Applicants' specification teaches that using a weak promoter sequence can allow researchers to easily distinguish cells exhibiting effective target mRNA reduction from those cells that do not reduce target mRNA levels. See, also, page 43, line 27 to page 44, line 3. Claim 160 has also been amended herein to recite that the promoter sequence region comprises a promoter sequence operably linked to a member of a plurality of test nucleic acid sequences in an arrangement that promotes transcription of the member. Applicants' specification fully supports this amendment. For example, at page 44, lines 4-12, Applicants' specification teaches that a single promoter sequence can direct transcription from one strand of the test sequence or more than one promoter sequence can direct transcription from both strands of the test sequence. Thus, no new matter has been added.

In light of the above amendment and the following remarks, Applicants respectfully request reconsideration and allowance of claims 160-162.

Information Disclosure Statement

Applicants respectfully request that the Examiner consider the Clawson reference (U.S. Provisional Application No. 60/417,997), disclosed in the IDS filed October 23, 2006.

Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 160-162 under 35 U.S.C. § 103(a) as being unpatentable over Nilsen *et al.* (U.S. Patent No. 6,013,447) in view of Taira *et al.* (U.S. Patent Application Publication No. 2004/0002077). Specifically, the Examiner stated that the Nilsen *et al.* reference teaches vectors, and methods of their use, for identifying effector RNA molecules. The Examiner stated that the Nilsen *et al.* reference does not recite RNA interference molecules as

effector RNA molecules because they were not known at the time the Nilsen *et al.* reference was filed. The Examiner stated that the Taira *et al.* reference teaches double stranded siRNA molecules from a vector. The Examiner further stated that siRNA would be an RNA effector molecule. The Examiner concluded that one having ordinary skill in the art would include the siRNA compounds of the Taira *et al.* reference in the vectors taught in the Nilsen *et al.* reference.

Applicants respectfully disagree with this rejection with respect to the presently pending claims. Claim 160 recites that the vector comprises a weak promoter sequence operably linked to the target nucleic acid and the reporter nucleic acid. Neither the Nilsen *et al.* nor the Taira *et al.* reference alone or in combination teach or suggest such a vector. In fact, the Nilsen *et al.* reference teaches that preferred promoters include inducible promoters or strong promoters such as SV40, adenovirus, HSV, BHV, RSV, MMTV, CMV, and β -actin promoters. See, the Nilsen *et al.* reference at column 8, lines 13-16 and lines 39-49. The Nilsen *et al.* reference further teaches that transcription of a reporter gene can be increased by using an enhancer sequence. See, the Nilsen *et al.* reference at column 8, lines 50-58. Thus, the combination of the Nilsen *et al.* and the Taira *et al.* references fails to provide any rationale to one having ordinary skill in the art for carrying out the presently claimed methods. Therefore, the combination of cited references does not render the claimed invention obvious.

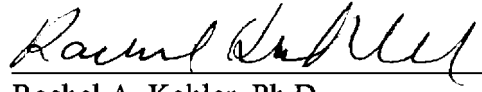
In light of the above, Applicants respectfully request withdrawal of the rejection of claims 160-162 under 35 U.S.C. § 103(a).

CONCLUSION

Applicants submit that claims 160-162 are in condition for allowance, which action is respectfully requested. The Examiner is invited to contact the undersigned agent at the telephone number provided if such would advance prosecution of this application. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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